

1 Ramon Rossi Lopez - rlopez@lopezmchugh.com
2 (California Bar Number 86361; admitted *pro hac vice*)
3 Lopez McHugh LLP
4 100 Bayview Circle, Suite 5600
5 Newport Beach, California 92660
6 949-812-5771

7 Mark S. O'Connor (011029) – moconnor@beusgilbert.com
8 BEUS GILBERT, PLLC
9 701 N.44th St.
10 Phoenix AZ 85008
11 480-429-3019

12 *Co-Lead/Liaison Counsel for Plaintiffs*

13 UNITED STATES DISTRICT COURT
14 FOR THE DISTRICT OF ARIZONA

15 In Re Bard IVC Filters Products
16 Liability Litigation

17 No. MD-15-02641-PHX-DGC

18 **PLAINTIFF'S MOTION TO SEAL
19 PLAINTIFF'S RESPONSE IN
20 OPPOSITION TO MOTION FOR
21 SUMMARY JUDGMENT, SEPARATE
22 STATEMENT OF FACTS AND
23 EXHIBITS THERETO, AND
24 PLAINTIFF'S CONTROVERTING
25 STATEMENT OF FACTS AND
26 EXHIBITS THERETO**

27 In accordance with Section 25 of the Stipulated Protective Order (Doc. 269),
28 Federal Rule of Civil Procedure 26(c)(1)(G), and Local Civil Rule 5.6, Plaintiffs move
this Court for an Order sealing Plaintiffs' unredacted Response in Opposition to Motion
for Summary Judgment, Plaintiff's Separate Statement of Facts and all exhibits thereto,
and Plaintiff's Controverting Statement of Facts and all exhibits thereto. These
documents contain or reference information designated as "Confidential Information"
under the Stipulated Protective Order, including confidential information and documents
relating to Plaintiff Debra Tinlin's medical conditions.

Plaintiff's personal healthcare information is protected under the Privacy Rule of

1 the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), 45 C.F.R. §
 2 160, 164(A) & (E), as well as several state-law privileges. The knowing disclosure of
 3 such information is prohibited by 42 U.S.C. § 1320d-6. This court has already granted the
 4 filing under seal of the similar information when the parties submitted their respective
 5 bellwether submissions. *See* Doc. 4366.

6 The parties have met and conferred and agree that Plaintiffs’ unredacted Response
 7 in Opposition to Motion for Summary Judgment, Plaintiff’s Separate Statement of Facts
 8 and all exhibits thereto, and Plaintiff’s Controverting Statement of Facts and all exhibits
 9 thereto should be filed and maintained under seal. Based on the stipulation and the
 10 parties’ consent to file the documents described above under seal for purposes of
 11 consideration of the same, the parties jointly request that the exhibits be sealed.

12 RESPECTFULLY SUBMITTED this 1st day of March, 2019.

13 BEUS GILBERT, PLLC

14 By: /s/ Mark S. O’Connor

15 Mark S. O’Connor (011029)
 16 701 N.44th St.
 Phoenix AZ 85008

17 LOPEZ McHUGH LLP
 18 Ramon Rossi Lopez (CA Bar No. 86361)
 (admitted *pro hac vice*)
 19 100 Bayview Circle, Suite 5600
 Newport Beach, California 92660

20 *Co-Lead/Liaison Counsel for Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of March, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Jessica Gallentine